

**City of New Orleans  
Civil Service Commission  
Rule Revisions**

*August 25, 2014*

### **1. Current Rule I. Number 38.**

"Law": Article X of the Constitution of Louisiana, and R.S. 33:2391 et seq., when same is not in conflict with the Constitution, and the Rules adopted pursuant to Article X of the Constitution, shall be known as the Law.

#### **REVISION**

"Law": Article X of the Constitution of Louisiana and the Rules adopted pursuant to Article X of the Constitution shall be known as the Law.

### **2. Current Rule V. Section 2.4**

The Director shall fix requirements of training, residence, age, health, skill, education, or other qualifications for admission to examination. Such qualifications must be possessed by any applicant by the final filing date for each examination unless otherwise specified on the official announcement.

#### **REVISION**

The Personnel Director shall fix minimum qualifications for training, residence, age, health, skill, education, or other qualifications for admission to examination for each class. Such qualifications must be possessed by any applicant by the final filing date for each examination unless otherwise specified on the official announcement. The Personnel Director shall seek appointing authority input into establishing the minimum qualifications and form of examination. No examination will open to applications until such time as the appropriate appointing authority has signed a draft of the official announcement stating the minimum qualifications and form of examination. If no agreement between the Personnel Director and appointing authority is reached on the position's minimum qualifications or form of examination, the issue may be brought before the Commission for a decision.

### **3. Rule V. Section 10**

#### **Title of New Rule**

Rule V. Section 10. WORKPLACE DIVERSITY AND INCLUSION

### **4. Rule V. Section 10.1**

#### **New Rule**

10.1 The City shall make efforts to provide recruitment opportunities intended to attract qualified candidates who reflect the demographics of the city.

### **5. Current Rule VI. Section 1.1**

Vacancies in positions in the classified service may be filled by demotion, transfer, reinstatement, reemployment, promotion, original appointment, or temporary appointment. Preference shall be given to the methods named in the order in which they are listed above, under the conditions and subject to the restrictions and limitations set forth in the Rules. A vacancy shall be considered filled under any of the methods specified,

and employment hereunder effective, as of the date on which the employee enters into the duties of the position, in accordance with the Law and the Rules.

## **REVISION**

Vacancies in positions in the classified service may be filled by demotion, transfer, reinstatement, reemployment, promotion, original appointment, or temporary appointment. A vacancy shall be considered filled under any of the methods specified, and employment hereunder effective, as of the date on which the employee enters into the duties of the position, in accordance with Article X of the Louisiana Constitution and the Rules.

### **6. Current Rule VI. Section 2.3**

Request for selective certification: When an appointing authority in his request for certification of eligibles for a position has specified necessary or desirable qualifications of candidates for appointment to the position, the Director shall certify from a list of eligibles having such qualifications, if the Director deems that the request has offered satisfactory evidence that the nature of the position to be filled warrants such certification. If it is necessary to hold a new examination to establish a list of a sufficient number of persons eligible for such selective certification, the Director may authorize provisional appointment, pending establishment of the eligible list, of one of the top three eligibles on an existing list for the class, or any person who demonstrates to the satisfaction of the Director that he possesses, in sufficient degree to have a good chance of passing the examination, the special qualifications on the basis of which the selective certification procedure is to be used. The Director shall consider each request for selective certification on the basis of the facts in that particular instance. The burden of proof shall be on the appointing authority to prove to the satisfaction of the Director that selective certification is warranted. The Director may consider the cost of giving a special examination as a factor in determining whether selective certification is warranted.

## **REVISION**

Request for selective certification: When an appointing authority has specified special necessary or desirable qualifications of candidates, the Director shall certify from a list of eligibles having such qualifications, if the Director deems that the request has offered satisfactory evidence that the nature of the position to be filled warrants such certification. If it is necessary to hold a new examination to establish a list of a sufficient number of persons eligible for such selective certification, the Director may authorize provisional appointment, pending establishment of the eligible list, of any of the eligibles on an existing list for the class, or any person who demonstrates to the satisfaction of the Director that he or she possesses, in sufficient degree to have a good chance of passing the examination, the special qualifications on the basis of which the selective certification procedure is to be used. The Director shall consider each request for selective certification on the basis of the facts in that particular instance. The burden of proof shall be on the appointing authority to prove to the satisfaction of the Director that selective certification is warranted. The Director may consider the cost of giving a special examination as a factor in determining whether selective certification is warranted.

### **7. Current Rule VI. Section 3.1**

Upon a request from an appointing authority to fill a position other than by demotion, transfer, or reinstatement, the Director shall certify to the appointing authority the names of three eligibles for such position of the class of the vacant position, and if more than one vacancy is to be filled, the name of one additional eligible for each

additional vacancy. In cases of demotion, transfer or reinstatement, the Director shall approve or disapprove the name of the person submitted by the appointing authority.

## **REVISION**

Upon a request from the appointing authority to fill a position other than by demotion, transfer, or reinstatement, the Department shall provide to the appointing authority the names of all candidates certified by the Department to meet the minimum qualifications, to have passed the examination, if any, and met any selective certification requirements requested by the appointing authority and approved by the Personnel Director. The Personnel Director may authorize an appointing authority to conduct examinations and may establish policies for appointing authority administered examinations. Such examinations shall be job-related and designed to assess applicants based on merit, efficiency, fitness, and length of service. The appointing authority shall select a candidate for appointment or promotion by beginning at the top of the list and have an objective, job related reason for the selection. In cases of demotion, transfer or reinstatement, the Personnel Director shall approve or disapprove the name of the person submitted by the appointing authority.

### **8. Current Rule VI. Section 3.2 (b)**

The certification of eligibles from promotional and/or employment lists may be presented in the form of a single band. Names on the appropriate re-employment list, if any, shall be certified first. If fewer than three of these are willing to accept the position, then the top-ranking eligibles from the promotion list, grouped into a single band according to the established psychometric formula for that examination, shall be certified. If no promotional list exists, the same procedure shall be applied to the employment list. As those eligibles with the highest scores are eliminated through appointment or removal from the list, additional names will be added to the band as necessary to maintain the same range of scores within the band.

## **REVISION**

The certification of eligibles from promotional, reemployment and/or employment lists shall be presented in order of the examination score, when competitive, on the same register.

### **9. Current Rule VI. Section 4.1**

Reemployment lists shall consist of the names of persons who were separated from their positions for reasons other than fault or delinquency on their part, except as provided in Rule IX, and who, at the time of their separations, had attained permanent status in that class of positions in accordance with the Law and Rules. The order in which these names shall be ranked on the reemployment list shall be in accordance with their number of years of continuous city employment in that class of positions. In case two or more employees have equal service in that position, the person who has the greatest number of years of continuous service in city employment shall be ranked highest. Except as allowed in Rule XII, Section 6.1, no person may be certified from a reemployment list or be reinstated who has voluntarily retired; provided, however, a person who has voluntarily retired may be reinstated, with the approval of the Personnel Director, only to the position he last held, and in the event of his reinstatement, said employee waives all pension rights while so employed.

## **REVISION**

Persons who were separated from their positions for reasons other than fault or delinquency on their part, except as provided in Rule IX, and who, at the time of their separations, had attained permanent status in that class of positions in accordance with the Law and Rules may be included on employment lists as

reemployment candidates. Reemployment candidates are required to take the most recent examination that was used to certify candidates for that register. Except as allowed in Rule XII, Section 6.1, a person who has voluntarily retired may be reinstated, with the approval of the Personnel Director, only to the position the person last held, and in the event of reinstatement, said employee waives all pension rights while so employed.

#### **10. Current Rule VI. Section 4.3**

Preferred reemployment lists shall precede general reemployment lists in certification, provided that persons on such lists meet the requirements and qualifications, to be determined by the Director, to perform the duties of the position involved.

#### **REVISION**

Preferred reemployment lists shall precede general employment lists in certification, provided that persons on such lists meet the requirements and qualifications, to be determined by the Director, to perform the duties of the position involved.

#### **11. Rule IV. Section 2.4**

##### **New Rule**

Requests for Departmental and Promotional Certification

Appointing Authorities may make requests for departmental certification on any eligible list in order to broaden promotional opportunities for permanent employees. The Personnel Director shall certify from a list of eligibles, if the request has offered satisfactory evidence to support that the nature of the position and work performed warrants such certification. At the request of an appointing authority, the Personnel Director may certify only permanent employees of the department on any eligible list or all permanent employees on any eligible list.

#### **12. Current Rule V. Section 5.2**

The Director shall determine at the time any promotion list or employment list is established, the period during which the list shall remain in force, which shall not be less than one year nor more than three years at the discretion of the Personnel Director.

#### **REVISION**

The Personnel Director shall determine at the time any promotion list or employment list is established, the period during which the list shall remain in force, which shall not be less than three months nor more than three years at the discretion of the Personnel Director, in cooperation with the affected appointing authorities for departmental specific classifications and sub-headings. If no agreement between the Personnel Director and appointing authority is reached, the issue may be brought before the Commission for a decision.

#### **13. Current Rule IV. Section 2.2**

Subject to the prior approval of the Director, an appointing authority may grant an increase within the pay range to any employee given a special assignment for a limited term within his class of positions, provided that there shall be a corresponding pay reduction at the completion of the special assignment. A written notice of the intention to effect a reduction in pay on the completion of the special assignment shall be given to the

employee when the increase is granted. Increases and reductions in pay shall be reported to the Director in such manner as he may prescribe.

## **REVISION**

Subject to the revocation of the Personnel Director, an appointing authority may grant a prospective increase up to 5% within the pay grade to any employee given a special assignment for a limited term within his class of positions, provided that there shall be a corresponding pay reduction at the completion of the special assignment. Any increase above 5% or expected to last beyond one year shall require approval of the Personnel Director.

- a. An employee must have performed the special assignment for at least 5 working days, or the hourly equivalent, before eligibility for payment can commence.
- b. Special assignment must be beyond the scope of current duties and responsibilities.
- c. A written notice of the intention to affect the increase in pay as well as the corresponding reduction in pay on the completion of the special assignment shall be given to the employee when the increase is granted.
- d. Increases and reductions in pay along with written justification for the increase shall be reported to the Personnel Director in such manner as the Personnel Director may prescribe.

### **14. Current Rule IV. Section 2.5(a)**

The rate of pay for any employee in a classified position may be advanced by action of the appointing authority, subject to the following limitations: (a) The total of these increases given in a calendar year shall be budgeted for each organization unit at an amount equal to 1.25% of the combined base rates (as defined in Rule I, Number 10) of pay of all permanent positions filled in the organization unit as of January 1 of that year. These increases shall not exceed this amount without the approval of the Commission.

## **REVISION**

### **Merit Increases**

The rate of pay for any employee in a classified position may be advanced by action of the appointing authority, subject to the following limitations:

- (a) Annually, each organizational unit shall budget 2% of the combined base rates (as defined in Rule I, Number 10) of pay of all permanent classified positions filled in the organization unit as of January 1 of that year.
- (b) The Chief Administrative Officer has not declared that the city possesses insufficient funds for merit increases.

### **15. Current Rule IV. Section 2.5(b)**

Such advances shall be effective thirty (30) days after the receipt by the Commission of suitable documentation evidencing personal evaluation of the individual employee and detailing specific justification for the individual employee's entitlement to such an increase. Documentation shall include information on job performance, attendance, compliance with city regulations and disciplinary record.

## **REVISION**

Beginning January 1, 2015 and ending December 31, 2016, employees who merit a performance evaluation of competent or above will be eligible for a 1.25% across the board pay increase. However, effective, January 1, 2017, all merit increases will be subject to the following Rules:

(a) An employee who is in active status for at least one year prior to the end of the annual review period and has completed the performance evaluation process becomes eligible for and may be granted a merit increase, provided that the appointing authority has determined their performance merits such an adjustment.

(b) The amount of each merit increase shall be in accordance with the following:

Overall Performance Evaluation	Overall Evaluation Criteria	Adjustment in Annual Salary
Successful	Overall rating of successful with documentation on goal attainment in keeping with Rule XI.	1 Step
Exceptional	Overall rating of Exceptional with documentation of exceptional behavior, work outcomes, and goal attainment in keeping with Rule XI.	3 Steps

(c) Such advances shall be effective thirty days after the receipt by the Department of suitable documentation evidencing evaluation of the individual employee and detailing specific justification for the employee's entitlement to such an increase.

(d) All increases herein authorized are subject to the requirement that no employee's pay shall exceed the maximum rate of pay established for the job or the highest rate within the base supplement authorized for the position occupied.

(e) An employee's eligibility for increases authorized in Subsection (a) shall not be interrupted by time served in the military service.

(f) Any adjustment or increase which an employee receives under the provisions of other Rules, unless otherwise indicated, shall not affect such employee's eligibility to receive increases authorized under this Rule.

(g) An employee who has a current official overall Performance Evaluation of "Needs Improvement/Unsuccessful" or equivalent shall not be eligible for any increase under the provisions of this Rule.

## **16. Current Rule IV. Section 2.6**

Special Entrance Rate (Hiring Rate) (a) Special rates of compensation for classifications of work may be authorized to address employment problems resulting from recruitment and/or retention difficulties. Such advances may be authorized by the Personnel Director up to the first quartile in the salary range subject to the following criteria: The appointing authority has submitted a written request to the Director detailing the scope of the problem and its impact on the agency's ability to perform. 2. The Director has received verification from the appointing authority and the Chief Administrative Officer that funds are available for such increases. No such rates will become permanent until approved by the Commission at its next scheduled meeting. (b) Advances above the first quartile and up to the midpoint in a salary range may be authorized by the Civil Service Commission, provided the appointing authority has met the criteria listed above and the Personnel Director has

recommended the establishment of appropriate special rates of compensation after reviewing all aspects and ramifications of the matter. (c) Advances above the midpoint rate in a salary range will not be allowed unless an appointing authority can demonstrate that the competitive market justifies such compensation. These advances may not take effect until they are approved by the Civil Service Commission and the City Council.

## **REVISION**

Pay above the minimum for recruitment/retention difficulties.

- (a) Hiring or paying above the minimum salary in order to address employment problems resulting from recruitment and/or retention difficulties may be authorized by the Personnel Director not to exceed the midpoint of the pay range, provided that:
  - 1. Appointing authority documents employment problems resulting from recruitment and/or retention difficulties and maintains detailed objective analysis of rationale for hiring above the minimum.
  - 2. Appointing authority receives appropriate approvals established by the Chief Administrative Officer, or other executive authority for participating agencies, in advance and reports the approval to the Department in such manner as prescribed.
- (b) Advances above the midpoint may be authorized by the Commission if the appointing authority can clearly document that the competitive market justifies the compensation.
- (c) When special recruitment rates or special retention rates are adjusted downward, the individual pay rates of employees occupying positions affected by the authorized rates shall not be changed.

## **17. Current Rule IV. Section 2.7**

Extraordinary Qualifications / Credentials (a) If an applicant who is eligible for appointment under the provisions of Rule V of these Rules possesses extraordinary or superior qualifications / credentials above and beyond the minimum qualifications / credentials, an appointing authority may request that the Director of Personnel authorize pay to the employee at a rate above the minimum provided that: Such superior qualifications / credentials are verified and documented as job related. 2. The rate is requested on or before the hire date. 3. The rate requested does not exceed the midpoint of the range for the affected job. 4. The rate is implemented in accordance with written policies and procedures established by the Department. 5. The appointing authority has received the budget approval of the Chief Administrative Officer. (b) The salaries of all current probationary and permanent employees who occupy positions in the same job classification and who possess the same or equivalent qualifications/credentials may be adjusted up to but not to exceed the rate granted to the newly hired employee provided that the qualifications/credentials are also verified and documented as job related. Such adjustments shall only be made on the same date that the higher pay rate is given to the newly hired employee. (c) All such increases must be approved by the Commission at its next scheduled meeting after action was taken by the Director.

## **REVISION**

Extraordinary or Superior Qualifications, Experience, Credentials



Subject to the revocation of the Personnel Director, an appointing authority may pay an original, temporary, provisional or regular employee a pay rate of up to the midpoint of the pay range upon appointment, subject to the following conditions and limitations:

- (a) That the appointee possesses extraordinary or superior qualifications/credentials above and beyond the minimum qualifications, experience, and/or credentials required which have been verified and documented as job related, and that the amount of additional pay shall be justified based on an objective analysis of the additional financial advantage the increased hiring rate will provide to the city.
- (b) That the duties and responsibilities of a position require the employment of a person with qualifications/credentials that differ significantly from those normally required for other positions in the same class, and the persons who possess such qualifications are not readily available in the labor market at the minimum entrance rate in the pay grade;
- (c) That the pay rate is subject to review by the Civil Service Commission;
- (d) The salaries of all current probationary and permanent employees who occupy positions in the same job classification and who possess the same or equivalent qualifications, experience, and/or credentials shall be adjusted up to but not to exceed the rate granted to that employee provided that the qualifications, experience, and/or credentials are also verified and documented in the same manner as that employee. Such adjustments shall only be made on the same date that the higher pay rate is given to that employee;
- (e) The Commission shall have exclusive, final authority to validate the qualifications, experience, and/or credentials credited for purposes of this subsection;
- (f) The appointing authority must post all special rates given in a location that is accessible to all employees. The appointing authority must assure that the posting remains in place permanently or is replaced when appropriate.

#### **18. Current Rule VI. Section 2.1**

Whenever an appointing authority proposes to fill a vacancy in the classified service, he shall submit to the Director a statement showing the position to be filled and the class and duties thereof, and he may also specify the necessary and desirable qualifications of the person to be appointed thereto.

#### **REVISION**

Whenever an appointing authority proposes to fill a vacancy in the classified service, the appointing authority shall submit to the Department a statement showing the position to be filled, the duties thereof, the necessary and desirable qualifications of the person to be appointed thereto, and the proposed class, if known. The Department shall approve or deny the position allocation within seven (7) days for existing classifications and fifteen (15) days for new classifications, exclusive of Commission approval. The Department shall announce each vacancy within thirty (30) days of an approved allocation. The Department shall not withhold reasonable approval of the request unless it can demonstrate that the request violates the principles of the merit system. For the purposes of allocating positions to a class, the Department shall interpret the existing classes broadly and in accordance with Rule III Section 2.1, including, when appropriate, waiving supervisory requirements and allowing a department to leverage classes used by other departments for efficiency. If the appointing authority and the Director disagree on the position's minimum qualifications or the class allocation and are unable to resolve their disagreement, the issue may be brought before the Commission for a decision.

### **19. Current Rule VI. Section 3.2 (a)**

The eligibles certified shall be the highest ranking eligibles willing to accept employment, ranked in the following order: (1) all the eligibles on the appropriate reemployment list, if any; (2) those on a promotion list, if any; (3) those on an entrance employment list. All the names on any one of such lists shall be exhausted before any names are certified from another list, but the names certified may be taken from two or more lists if necessary to make a certification of three eligibles. Names shall be certified from each list in the order of their rank on that list.

#### **REVISION**

*We have amended this proposed Rule change on the recommendation of Civil Service Department.*

(a) The eligibles certified shall be the highest ranking eligibles willing to accept employment, ranked in the following order:

- (1) All the eligibles on the appropriate preferred reemployment list, if any;
- (2) All other eligibles.

(b) All the names on any one of such lists shall be exhausted before any names are certified from another list, but the names certified may be taken from two or more lists if necessary to make a certification of at least three eligibles. Names shall be certified from each list in the order of their rank on that list.

### **20. Current Rule VII. Section 1.2**

If the duration of the working test period is not stated at the time of the announcement of the test for a class of positions, the working test period shall be six (6) months in duration.

#### **REVISION**

If the duration of the working test period is not stated at the time of the announcement of the test for a position, the working test period shall be six (6) months in duration. No extension shall be allowed which would make the total working test period longer than one (1) year in the same position under the same appointing authority. Supervisors of probationary employees who are still employed after three (3) months shall be required to perform an employee performance assessment at three (3) months so the employees understand how they are performing and whether and how they need to improve under a performance improvement plan.

### **21. Current Rule XI.**

#### **SERVICE RATINGS**

#### **REVISION**

#### **PERFORMANCE EVALUATION SYSTEM**

### **22. Current Rule XI. Section 1.1**

A uniform service rating system for all organization units is established, which system shall include provisions for periodic rating of employees on the basis of performance. The Director shall prescribe the form on which

service ratings are to be made, and each organization unit shall use the form prescribed by the Director in accordance with these Rules and the instructions given on the official form and its accompanying manual.

## **REVISION**

### **Administration**

The Performance Evaluation System is a tool used to measure individual performance and to develop employees into high-performing individuals. This Performance Evaluation System is effective January 1, 2016, and applies to all classified employees. Until such time, the previous Civil Service Commission Service Rating System shall remain the official employee evaluation system and shall be completed by all organizational units. The performance evaluation year shall be September 1 through August 31 of each year.

- a) The Performance Evaluation System shall consist of at least the following components:
  - 1. A performance plan that lists the performance goals or tasks on which the employee's overall performance will be evaluated.
  - 2. The goals and tasks must be fully within the control of the employee or team of employees to accomplish.
  - 3. A planning session at which the evaluating supervisor and the employee discuss the performance plan.
  - 4. A standard planning and evaluation form approved by the personnel Director.
  - 5. A three-level evaluation system.
  - 6. A planning and evaluation instruction manual that is accessible to all employees.
- b) An appointing authority or the Chief Administrative Officer may make variations to the performance planning and evaluation form or instructions with prior written approval from the Director. If no agreement between the Director and appointing authority or Chief Administrative Officer is reached, the issue may be brought before the Commission for a decision.
- c) The Chief Administrative Officer may set policy associated with the Performance Evaluation System relative to goal-setting for each employee, appropriate performance measures, work strategies or assignments for which results can be measured through objective performance data, and work performance feedback as long as those policies are not in conflict with the Rules.

### **23. Current Rule XI. Section 1.2**

The service rating period July 1, 1982 - June 30, 1983 is extended by six months to December 31, 1983. As of January 1, 1984, and annually thereafter, the appointing authority of each organization unit shall have a service rating made of each regular (permanent) employee in that organization unit who has worked in the classified service during that rating period. However, if the employee has not worked for the current appointing authority for at least ninety (90) days during the rating period, the employee shall be rated by the appointing authority under whom the employee has most recently worked for at least ninety (90) days during the rating period. If the employee has not worked under any appointing authority for at least ninety (90) days, he shall be rated by the current appointing authority. Service ratings shall be made by the supervisor designated by the appointing authority as the individual most familiar with the employees work during the rating period. Such service ratings shall be prepared for all regular employees, including those currently serving in Emergency, Transient, Provisional or Probationary appointments. The service rating shall be discussed with the employee,

and after such discussion the employee shall sign the rating, but this act of signing shall be evidence only of the fact that the rating has been submitted to the employee and discussed with the employee. Any refusal to sign shall be so noted on the official rating form. A rating made by the supervisor and signed by the employee shall then be reviewed by the appointing authority or the designated agent. The appointing authority or designate shall sign the rating as presented or as corrected and, when thus signed by the appointing authority or designate, the rating shall become effective as the official service rating of the employee for the period indicated thereon. Any modification by the appointing authority of the supervisor's rating of the employee shall be communicated to the employee and the supervisor.

## **REVISION**

### **Evaluating Supervisor**

- a) The appointing authority shall designate an Evaluating Supervisor for each employee. Generally, the Evaluating Supervisor should be the person who, in the appointing authority's judgment, is in the best position to observe and document the employee's performance. Failure to designate an Evaluating Supervisor shall be a violation of these Rules.
- b) The Evaluating Supervisor shall be responsible for administering the performance evaluation system for the designated employees in accordance with these Rules and any applicable departmental policies. An Evaluating Supervisor who fails to administer the performance evaluation system in accordance with these Rules shall not be eligible for a merit increase for that year.

### **24. Current Rule XI. Section 1.3**

The appointing authority shall submit the original copy of the completed service rating and a certified list of the employees who were rated to the Civil Service Department not later than March 1st of each year. If an appointing authority cannot submit an employee's evaluation by March 1, that appointing authority shall submit, by March 1, a written request for an extension to the Personnel Director stating the reason the rating was not submitted and the date the rating will be submitted, which will be prior to April 1. The majority of the department's ratings must be submitted by March 1, to be granted this grace period. If an appointing authority fails to submit an employee's evaluation by March 1 and has not requested or received an extension to April 1 or fails to submit the rating by April 1 after an extension has been granted, the appointing authority will be in violation of this Rule and subject to sanctions by the Commission.

## **REVISION**

### **Second Level Evaluator**

- a) The Appointing Authority shall designate a Second Level Evaluator for each employee. Generally, the Second Level Evaluator is the Evaluating Supervisor's supervisor. The Second Level Evaluator must approve the performance plan and the performance evaluation prepared by the Evaluating Supervisor before they are given to the employee for signature.
- b) The Second Level Evaluator shall be responsible for administering the performance evaluation system in accordance with these Rules and any applicable departmental policies. A Second Level Evaluator who fails to administer the performance evaluation system in accordance with these Rules shall not be eligible for a performance pay adjustment for that year.

### **25. Current Rule XI. Section 1.4**

There shall be five possible service ratings, one of which shall be used in rating each employee. The service ratings are: "Outstanding", "Exceeds Requirements", "Competent", "Needs Improvement", and "Unsatisfactory".

## **REVISION**

### **Performance Evaluations**

- a) Each employee shall be evaluated on the employee's overall performance based on work tasks, goals, and behavior standards determined by the evaluating supervisor to be requirements of the employee's job.
- b) Additionally, each supervisory employee shall be evaluated on the supervisory employee's administration of the performance evaluation system as required by these Rules.

## **26. Current Rule XI. Section 1.5**

Only those employees who receive an overall rating of "Unsatisfactory" or "Needs Improvement" shall have a right of appeal to a service rating appellate board consisting of three members which the appointing authority shall designate to hear such appeal. The appointing authority shall notify an employee, in writing, of an overall "Unsatisfactory" or "Needs Improvement" rating and shall inform the employee, in writing, of the employee's right to appeal the rating. Within thirty (30) days after receiving official notice of the "Unsatisfactory" or "Needs Improvement" rating, an appeal, if desired, must be made in writing by the employee, specifying what the rating should be and the reasons therefore. Within thirty (30) days after the filing of such appeal, the appellate board shall hear the appeal, have prepared an official transcribed or taped record of the proceedings, render a written decision either sustaining or modifying the rating which has been appealed and forward a copy to the employee and to the Personnel Director.

## **REVISION**

### **Performance Plan and Performance Planning Session**

- (a) The employee, or team of employees if the work is performed in teams, shall prepare a performance plan at the beginning of each evaluation period in cooperation with the Evaluating Supervisor. The performance plan shall list work tasks, goals and behavior standards on which the employee's overall performance should be evaluated. The plan may also provide for professional development for each employee, appropriate performance measures, and work strategies or assignments for which results can be measured through objective performance data. These shall be recorded on the planning and evaluation form.
- (b) If an employee disagrees with the work tasks, goals, and behavior standards as stated on the performance planning and evaluation form, the employee may use the appointing authority's grievance process to challenge the form during the annual planning period from September 1 to December 31.
- (c) The Evaluating Supervisor shall obtain the Second Level Evaluator's signature approval of the performance planning and evaluation form prior to presenting it to the employee for the final signature.
- (d) After obtaining the Second Level Evaluator's signature approval of the performance plan, the Evaluating Supervisor will conduct a performance planning session with the employee.
- (e) During the planning session, the Evaluating Supervisor shall present the performance planning and evaluation form to the employee and discuss the performance work tasks, goals, and behavior standards on which the employee will be evaluated and the performance that will be expected during the coming evaluation period.

(f) The Evaluating Supervisor and the employee shall sign and date the performance planning and evaluation form to document the planning session. The employee shall be given a copy of the form. Should the employee decline to sign the performance planning and evaluation form, the Evaluating Supervisor shall note this on the form and record the date that the planning session occurred. An employee cannot prevent the planning session from becoming official by refusing to sign the form.

(g) Planning sessions shall be conducted during the first three (3) calendar months following:

1. The appointment of a new employee;
2. The permanent movement of an employee into a position with significantly different duties;
3. The beginning of the new performance evaluation year (and no later than December 1).

(h) A performance planning session may be conducted when:

1. The employee is assigned a new Evaluating Supervisor,
2. Performance expectations change, or
3. The Evaluating Supervisor deems a performance planning session is appropriate.

## **27. Current Rule XI. Section 1.6**

After a final written decision of the appointing authority has been rendered, an employee whose overall rating remains "Unsatisfactory" or "Needs Improvement" may appeal to the Personnel Director for a further review of the service rating. The appeal to the Personnel Director shall be based solely on the official record established at the hearing of the appeal before the appellate board. A written appeal to the Personnel Director must be filed by the employee within thirty (30) days of the effective date of the decision of the appellate board. After review, a written notice of the final decision of the Personnel Director shall be provided to the employee and to the appointing authority.

## **REVISION**

### Overall Performance Evaluation

(a) At the end of the performance evaluation period, the Evaluating Supervisor shall assign one of the three values listed below to the employee's overall performance based upon the work tasks and behavior standards established in the performance plan.

Exceptional: Work and behavior consistently exceeded the performance criteria.

Successful: Work and behavior met the performance criteria.

Needs Improvement/Unsuccessful: Work and/or behavior did not meet the performance criteria.

(b) An Evaluating Supervisor may elect to assign an employee who worked less than three calendar months within the performance evaluation year a default overall evaluation of "Not Evaluated." An overall evaluation of "Not Evaluated" shall have the same effect as an evaluation of "Successful." "Not Evaluated" evaluations may be given only when:

1. The employee is active as of August 31, the end of the performance year, and
2. The employee has worked less than three (3) months at the evaluating department within the performance year, and

3. The appointing authority determines that not enough time has elapsed to create an evaluation for the employee.
- (c) Employees evaluated as Successful or Exceptional are eligible for merit increases in keeping with Rule IV, Section 2.5(b) of these Rules.

## **28. Current Rule XI. Section 1.7**

Once the "Unsatisfactory" or "Needs Improvement" rating has been determined to be final, the work performance of an employee who received the "Unsatisfactory" or "Needs Improvement" rating shall be reviewed by the appointing authority for a period of ninety (90) days. At the conclusion of this review period, the appointing authority must state in writing to the employee and to the Personnel Director whether or not the employee's work performance has improved. If, upon review, the work performance has not improved, the appointing authority shall take appropriate disciplinary action under the provisions of Rule IX.

## **REVISION**

### Official Performance Evaluations and Evaluation Sessions

- (a) Official performance evaluations are required for all classified employees. The Evaluating Supervisor shall base the official evaluation of the employee's performance on the work tasks, goals, and behavior standards as stated on the performance planning and evaluation form.
- (b) Official evaluations shall be made after the performance year has ended and must be rendered no later than December 1.
- (c) Evaluations become official on the date they are rendered. No evaluations shall be rendered after December 1. To render an official evaluation, the Evaluating Supervisor shall:
  1. Complete a performance evaluation form after September 1 of the evaluation year;
  2. Provide documentation to support an evaluation of "Needs Improvement/Unsuccessful", "Successful", or "Exceptional";
  3. Obtain the Second Level Evaluator's signed approval of the evaluation form prior to discussion with the employee;
  4. Discuss the evaluation with the employee and present the evaluation form to the employee to be signed and dated; and
  5. Provide the employee a copy of the evaluation form with the employee's official overall evaluation noted.
- (d) When an employee is not available, the provisions of this Rule shall be satisfied when notification to the employee is made by mail. If the employee is notified by mail, the notification shall be deemed timely if it was mailed to the employee's most recent address on or before December 1, as evidenced by official proof of mailing. The appointing authority must maintain documentation that the employee was notified on or before December 1.
- (e) Should the employee decline to sign the performance evaluation form, the Evaluating Supervisor shall note this on the form and record the date that the evaluation session occurred. An employee cannot prevent the evaluation from becoming official by refusing to sign the form.
- (f) Evaluations of "Unrated" shall be indicated on the final overall performance evaluation form by the Evaluating Supervisor, Second Level Evaluator, or Human Resources officer. An employee shall be notified when assigned an official overall evaluation of "Unrated".

## **29. Rule XI. Section 1.8**

### **New Rule**

#### Effects of the Needs Improvement/Unsuccessful Evaluation

- (a) An evaluation of "Needs Improvement/Unsuccessful" is not a disciplinary action.
- (b) Any employee whose official overall evaluation is "Needs Improvement/Unsuccessful" shall be ineligible for:
  - 1. A merit increase,
  - 2. A promotion, or
  - 3. Permanent status.
- (c) The Evaluating Supervisor must establish a performance improvement plan for the employee and shall monitor the employee's work performance for a period of 90 days.
- (d) At the conclusion of the 90 day period, the Evaluating Supervisor must state in writing to the employee and the Personnel Director whether or not the employee's work performance has improved. If, upon review, the work performance has not improved, an employee whose official overall evaluation is "Needs Improvement/Unsuccessful" may be disciplined in accordance with the provisions of Rule IX.
- (e) Permanent employees shall have a right to request a review in accordance with the provisions of Rules 1.12 and 1.13 of this part. The performance improvement plan must be held in abeyance pending the outcome of the review.

## **30. Rule XI. Section 1.9**

### **New Rule**

#### Effect of the Absence of an Official Evaluation

An employee who is not evaluated in accordance with the provisions of these rules shall have an official overall evaluation of "Unrated" on the evaluation with an effective date of December 1. Permanent employees shall have a right to request a review in accordance with the provisions of Rule 1.12 of this part.

## **31. Rule XI. Section 1.10**

### **New Rule**

#### Management Assessment Surveys

All employees who perform supervisory duties of personnel shall be evaluated by their direct reports during the performance evaluation period. The individual evaluations of the direct reports shall be anonymous to the supervisor who is being evaluated, though the aggregated anonymized results shall be shared with the supervisor. The form of the Management Assessment Survey shall be established by the Director in cooperation with the appointing authorities and Chief Administrative Officer.

## **32. Rule XI. Section 1.11**

### **New Rule**



## Record Keeping and Reporting Requirements

- (a) The appointing authority or Chief Administrative Officer shall submit the original copy of the completed performance evaluation form and a certified list of the employees who were rated to the Civil Service Department not later than December 1 of each year.
- (b) The Department shall annually report to the Civil Service Commission and the Chief Administrative Office information about evaluations given during the previous year ending August 31.

### **33. Rule XI. Section 1.12**

#### **New Rule**

##### Appointing Authority Review

- (a) A permanent employee who receives an overall performance evaluation of "Unrated" or "Needs Improvement/Unsuccessful" may request an official review of that evaluation by a Review Panel.
- (b) The appointing authority shall designate a Review Panel. The Review Panel members shall be neither the Evaluating Supervisor nor the appointing authority who signed the evaluation being reviewed.
- (c) The official overall evaluation may only be changed by the Review Panel.
- (d) A request for review must be submitted in writing and be postmarked or received in the employing organizational unit's human resources office no later than 30 days after the effective date of the rating following the evaluation year. In the request for review, the employee must explain and provide supporting documentation for the request for review.
- (e) If the request for review is timely, the Review Panel must review the employee's request, the evaluation given and any supporting documentation provided. The contested evaluation must be discussed with the employee and the Evaluating Supervisor.
- (f) The Review Panel shall give the employee, the Evaluating Supervisor, and the organizational unit's human resource officer written notice of the results of their review. This notification shall be provided no later than 30 days after receipt of the employee's request for review. Any change in evaluation shall be retroactive to December 1.
- (g) The performance evaluation form, the employee's request for review, the Review Panel decision, and the supporting documentation attached to the performance evaluation, as well as any documents requested from the employee or supervisor during the review, shall be maintained in the employee's departmental personnel file and a copy submitted to the Personnel Director.

### **34. Rule XI. Section 1.13**

#### **New Rule**

##### Request for Review by Civil Service

- (a) A permanent employee who receives an overall evaluation of "Needs Improvement/Unsuccessful" following a review by an appointing authority may request to have his performance file reviewed by the Personnel or designee.

- (b) A request for review under this Rule must be postmarked or received by the Personnel Director no later than 10 calendar days following the date the employee received the appointing authority Review decision. In the request, the employee must explain why he or she is contesting the decision of the Review Panel.
- (c) If the request for review is timely, the Personnel Director or designee shall obtain and review the employee's performance file. The Personnel Director may either affirm the overall evaluation or change the overall evaluation to "Unrated".
- (d) The Personnel Director shall provide a written decision to the employee, the Evaluating Supervisor, and the human resources officer no later than thirty (30) calendar days following the date the request for review was received.
- (e) The Personnel Director's decision may be brought before the Commission for final review.

### **35. Rule X. Section 1.6**

#### **New Rule**

The Department shall provide the necessary employment statistics regarding recruitment, hiring, promotions, and pay increases to the City annually, if available. The City shall analyze this information and develop an Inclusion Index, which shall measure the City's employment opportunities and advances by race, ethnicity, sex, and age. This report shall be in addition to any other reporting mandated by other federal, state, and local laws.

### **36. Current Rule VIII. Section 4.2**

When an employee is authorized or assigned to attend a conference, convention, training program directly related to the employee's work or the work of the employee's department, or training program that is part of a Civil Service Department authorized employee growth and development program, no leave shall be reported and the employee shall be considered as working. All regular employees shall be allowed to take at least one course per month of available authorized Civil Service Department training, if such training is being taken as a requirement for a Civil Service Department promotional examination. Employees elected or appointed as trustees as defined by LA R.S. 9:1781 et seq, on any public employee retirement system's governing board, shall be given time off, subject to the approval of the appointing authority, without loss of pay when engaged in administrative or educational activities required to fulfill their statutory responsibilities as fiduciaries.

#### **REVISION**

When an employee is authorized or assigned to attend a conference, convention, training program directly related to the employee's work or the work of the employee's department, or training program that is part of an authorized employee growth or development program, no leave shall be reported and the employee shall be considered as working. All regular employees shall be allowed to take at least one course per month of available authorized training, subject to supervisor approval, which shall not be unreasonably withheld. In any case, appointing authorities shall approve at least four (4) training opportunities for employees each year. Employees elected or appointed as trustees as defined by LA R.S. 9:1781 et seq, on any public employee retirement system's governing board, shall be given time off, subject to the approval of the appointing authority, without loss of pay when engaged in administrative or educational activities required to fulfill their statutory responsibilities as fiduciaries.